

Effective January 1, 2011

(**See [Fed. R. Civ. P. 56](#)**)

LR 56-1 Motion for Summary Judgment

(a) Supporting Factual Positions

A party's factual positions must be supported by citations, by page and line as appropriate, to the particular parts of materials in the record. Unless otherwise ordered by the court, a party is not required to file a separate Concise Statement of Material Facts.

(b) Evidentiary Objections

Rather than filing a motion to strike, a party may assert evidentiary objections in its response or reply memorandum. If an evidentiary objection is raised in the non-moving party's response memorandum, the moving party may address the objection in its reply memorandum; the non-moving party may not file further briefing on its evidentiary objection. If an evidentiary objection is raised by the moving party in its reply memorandum, the non-moving party may file a surreply memorandum pursuant to this subparagraph within seven (7) days addressing only the evidentiary objection; the moving party may not file further briefing on its evidentiary objection. If a party asserts an evidentiary objection in a motion to strike evidence, no reply memorandum is permitted. Unless otherwise ordered by the court, any oral argument as to evidentiary objections will be scheduled for the same time as the summary judgment motion.

Commentary

1. Effective January 1, 2011, the court eliminated the requirement of filing a Concise Statement of Material Facts.
2. An evidentiary objection is a response or reply memorandum, not a supporting brief.

Amendment History to LR 56

June 1, 2002

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| LR 56.1(a)(2) | Cross reference LR 56.1(c) formatting and citation instructions to be included in the caption. |
| LR 56.1(b) | " and Reply . . ." added to caption. |
| LR 56.1(b)(2) | Last sentence added for clarification. |

LR 56.1(c)	Requirement to include page number and line number (where appropriate)
LR 56.1(f)	"or in the response . . ." added. June 1, 2006 Generally
June 1, 2006	Appendix of Forms numbers updated.
Generally	
LR 56.1(a) &	
LR 56.1(b)(1)	The words "separately filed . . ." added
LR 56.1(d)	The words "neither" and "nor any response or reply thereto" added
The word "not" stricken.	
The word "stricken" substituted for "returned"	
December 1, 2009	
LR 56	Practice Tip and Commentary added. References to Appendix of Forms de
LR 56-1(b)(1)(B)	The phrase "moving party" substituted for "movant."
LR 56-1(b)(3)	Reworded for clarification.
LR 56-1(c)(1)	The word "must" substituted for "shall."
LR 56-1(c)(3)	The phrase "are not to" substituted for "shall not."
LR 56-1(g)	Added to establish briefing requirements for evidentiary objections.
January 1, 2011	
LR 56	Commentary added to call practitioners' attention to elimination of requirem
LR 56-1(a)(1) & (2), (b), (c), (d), (e), & (f)	Deleted.
LR 56-1(b)	Former LR 56-1(g).